

UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,  
INC., POLYPROPYLENE HERNIA  
MESH PRODUCTS LIABILITY  
LITIGATION

Case No. 2:18-md-2846

Judge Edmund A. Sargus, Jr.  
Magistrate Judge Kimberly A. Jolson

This document relates to:  
*Barnes v. Davol, Inc. et al.*  
Case No. 2:21-cv-1416

**ORDER**

This matter is before the Court on Defendants' Motion to Dismiss for Failure to Substitute (ECF No. 4) and Plaintiff's unopposed Motion to Substitute Party (ECF No. 5). Rule 25 provides that, "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party." Fed. R. Civ. P. 25(a)(1). "A motion for substitution may be made by any party or by the decedent's successor or representative." *Id.*

Douglas Barnes is Plaintiff's surviving spouse and Successor in Interest pursuant to Sections 377.11 and 377.32 of the California Code of Civil Procedure. (ECF No. 5.) Plaintiff now moves for the substitution of Douglas Barnes as Successor in Interest as the proper plaintiff. (*Id.*) Plaintiff's unopposed Motion to Substitute Douglas Barnes as the proper plaintiff is **GRANTED**. The Clerk is directed to substitute Douglas Barnes as Successor in Interest to Susan Barnes as Plaintiff in place of Susan Barnes. Defendants' Motion to Dismiss for Failure to Substitute (ECF

No. 4) is **DENIED AS MOOT.**

**IT IS SO ORDERED.**

**9/23/2022**  
**DATE**

**s/Edmund A. Sargus, Jr.**  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**